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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,749

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Robert Albertus Brondijk

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOW, LIXI

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,749	Applicant(s) BRONDIJK, ROBERT ALBERTUS	
	Examiner Lixi Chow	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (EP 1282128 A1) as applied in the previous Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Shishido et al. (US 2002/0136137) as applied in the previous Office Action.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Nijboer et al. (US 2002/0150014; hereafter Nijboer).

Regarding claim 11:

Sasaki disclose a device (see Fig. 1) for recording information on a record carrier of a re-writable type by writing marks in a track on a recording layer, the recording layer comprising a pre-track pattern indicating the position of the track (see Figs. 2A-2D), the device comprising:

a recording device (Fig. 1, elements 7 and 9) configured to record the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer, and

a processor (Fig. 1, element 9) configured to control writing data on the record carrier indicating that the recording area does not contain user data, and configured to provide on the record carrier status information indicating a size of a contiguously written area that extends from the beginning of the recording area in dependence on detecting a pre-existing contiguously written area that extends from the beginning of the recording area (see par. [0009] and [0029]-[0033]; the FDCB inherently includes status information indicating a size of a contiguously written area; for example, the status information containing P1 address indicates the size of a contiguously written area).

However, Sasaki fails to disclose whether the lead-in start position is shortened. On the other hand, Nijboer discloses a device for recording information on a record carrier, the device comprising a processor arranges to control recording of a shortened lead-in starting at a shifted starting position beyond a predefined starting position and/or ending at position before a predefined ending position, wherein the predefined starting and ending positions are defined by a recording format (see Fig. 7 and par. [0050]-[0052]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the device of Sasaki to include the shifting of the start position of the lead-in area as suggested by Nijboer. One of ordinary skill in the art would have been motivated to do this because the amount of shift is used to indicate additional information to be used by the drive as control information (see par. [0052]).

Regarding claim 12:

Sasaki discloses the device, wherein a recording format is a DVD recording format (see par. [0021]).

Allowable Subject Matter

6. Claims 6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None Of the reference of record alone or in combination disclose or suggest the formatting means are arranged for recording a shortened lead-in starting at a shifted starting position beyond a predefined starting position and/or ending at position before a predefined ending position, in particular the predefined recording format being DVD and **the shifted starting position being 23.4 mm radial.**

Response to Arguments

7. Applicant's arguments filed 4/03/08 have been fully considered but they are not persuasive.

Specifically, Applicant argues that Sasaki does not disclose the limitation "providing on the record carrier status information indicating a size of a continuously written data that extends from the beginning of the recording area in dependence on detecting a pre-existing contiguously written area that extends from the beginning of the recording area". However, Examiner respectively disagrees. The status information recorded in the FDCB area in the lead-in area contains P1 address information which inherently indicates the size of the contiguously written area (see par. [0033] and Fig. 2D). The shaded area before P1 location shown in Fig. 2D

corresponds to the contiguously written area. Accordingly, Sasaki discloses all the features in claims 1-5 and 9-10.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LC 7/20/08

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627